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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,714

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Alan Wayne Blount

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EXAMINER

PATEL, PREMAL R

ART UNIT

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2629

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,714

**Applicant(s)**

BLOUNT, ALAN WAYNE

**Examiner**

PREMAL PATEL

**Art Unit**

2629

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 4-13 and 18-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/06)  
Paper No(s)/Mail Date 12/12/05, 10/27/08, 04/08/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. **Claims 4-13 and 18-32** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (6,633,746) in view of Luzzatti et al. (2002/0024947).

Regarding **claim 1**, Walsh teaches a mobile graphics display device (200; **Fig 3**), comprising a touch sensitive display screen (310; **Fig 3**) coupled to a touch screen processor (330; **Fig 3**), the touch screen processor being operable to generate first ink data representative of an input drawing action applied to the touch sensitive display screen (**Column 3, lines 7-11**), a graphics display (310; **Fig 3**) and a graphics image processor (350; **Fig 3**) operable to display images representative of at least the first ink data on the graphics display (**Column 3, lines 7-10; Column 4, lines 9-12**), and a data

processor (320; **Fig 3**) operable in combination with a wireless communications processor (360; **Fig 3**) to communicate the first ink data from the mobile graphics display device to another graphics display device (**Column 3, lines 10-25**), to receive other ink data created by the other graphics display device (**Column 3, lines 26-34**), the other ink data being representative of other drawing action (**Column 3, lines 20-22**), the graphics image processor being operable to generate a representation of the other ink data with respect to the representation of the first ink data according to a common reference (a template = a common reference; **Column 4, lines 28-31**),

Walsh fails to teach wherein the data processor is operable in combination with the wireless communications processor to communicate a presence signal providing an indication that the mobile graphics device is available to send and move ink data to at least one other graphics display device of a predefined group of graphics display devices, to receive a presence signal from the other graphics display device, the presence signal being indicative that the other graphics display device is available to send and/or receive ink data from the mobile graphics display device, the data processor being operable in response to the presence signal to display an indication on the graphics display screen that the other device is available to send and to receive ink data, and following receipt of the presence signal from the other graphics display device, to send and to receive the ink data to and from the other graphics display device; as claimed.

Luzzatti teaches a system to dynamically reveal availability status for communicating with one of more entities wherein the data processor is operable in combination with the

wireless communications processor to communicate a presence signal (**para [0047]**) providing an indication that the mobile graphics device is available to send and move ink data to at least one other graphics display device (**para [0047]; Fig 3**) of a predefined group of graphics display devices (408, 410, 412, 414; **Fig 4**), to receive a presence signal from the other graphics display device, the presence signal being indicative that the other graphics display device is available to send and/or receive ink data from the mobile graphics display device (**para [0047]**) (**Note:** As cited, **para [0047]** describes different presence indicators. Indicator of "online" shows the other device is active and ready of communication), the data processor being operable in response to the presence signal to display an indication (**para [0019]**) on the graphics display screen that the other device is available to send and to receive ink data, and following receipt of the presence signal from the other graphics display device, to send and to receive the ink data to and from the other graphics display device (**para [0089]**) (**Note:** As cited, **para [0089]** clearly indicates the user is available for text chat = send and receive ink data).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the communication system as taught by Walsh with the addition of communication availability as taught by Luzzatti, because this will provide a system and method for a user to dynamically reveal their availability status for communication with one of more entities or group entities thus providing a very effective way of communication (Luzzatti: **para [0015]**).

Regarding **claim 15**, this is method claim and is rejected same as the claim 1, as explained above.

Regarding **claim 2**, Walsh further teaches a mobile graphics display device, wherein the data processor is operable in response to a command received via the touch screen to establish a connection with the other graphics display device, the ink data produced from drawing actions from the touch screen being communicated to the other graphics display device (**Column 2, lines 12-14; Column 2, lines 31-42**).

Regarding **claims 3 and 16**, Walsh teaches a mobile graphics display device, wherein the data processor is operable in combination with the graphics display processor, as explained above for claim 1.

Walsh fails to teach providing a iconic representation on the display screen representing the presence of the other graphics display device; as claimed.

Luzzatti teaches a system to dynamically reveal availability status for communicating with one of more entities wherein the system providing a iconic representation on the display screen representing the presence of the other graphics display device (**para [0019]**).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the communication system as taught by Walsh with the addition of communication availability as taught by Luzzatti, because this will provide a system and method for a user to dynamically reveal their availability status for communication with

one of more entities or group entities thus providing a very effective way of communication (Luzzatti: **para [0015]**).

4. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (2003/0218631) in view of Walsh et al. (6,633,746).

Regarding **claim 14**, Malik teaches a server plug-in (300; **Fig 3**) operable in combination with an instant messaging server (330; **Fig 3**) and a data store (340; **Fig 3**), to maintain connection information in association with the data stored in the data store (**para [0022]**), the connection information associated in accordance with a defined group to identify presence information in accordance with whether one or more of the predefined group of devices is available to exchange ink data (**para [0006]**), and consequent upon one or more devices being identified, to communicate ink data from a device from the group to any of the other graphics display devices of the group which are identified as being present (**Fig 3; para [0041]; para [0044]**) (**Note: As cited in para [0044]** the client device in one embodiment is a general purpose digital computer, minicomputer ).

Malik fails to teach the plug-in being operable to receive ink data from a plurality of sources and to store the ink in the data store in association with a common reference space; as claimed.

Walsh teaches a communication system wherein the plug-in (**Column 3, lines 35-60**) being operable to receive ink data from a plurality of sources (200, 210; **Fig 2**) and to

store the ink in the data store (**Note:** As cited in **Column 3, lines 35-60**, the system includes a server (computer) and it will obviously have data store (memory) for storing information/data) in association with a common reference space (**Column 4, lines 28-32**).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the system of Malik with the communication of ink data as taught by Walsh, because this will provide an improved system with a touch-sensitive display screen and improved method of communicating using small communication device. Also other benefit of Walsh's system in to not only communicating with standard inbuilt messages, but also enable user to write on the touch sensitive display and communicate that information.

5. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (6,633,746) in view of Luzzatti et al. (2002/0024947) as applied to claim 15 above, and further in view of Sun et al. (2002/0143994).

Regarding **claim 17**, Walsh and Luzzatti teaches the method of exchanging hand drawn data, as explained in claim 15 above.

Walsh and Luzzatti fail to teach compression encoding the ink data; as claimed.

Sun teaches a method for implementing ink data communication comprising compression encoding the ink data (**Fig 4; Fig 5; para [0029], lines 1-16**).



It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the method of exchanging hand drawn data as taught by Walsh and Luzzatti with data compression as taught by Sun, because this will enable to reduce the amount of data transferred to higher functional levels without reducing the information representing by the raw ink data (Sun: **para [0029], lines 13-16**).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Huang (2009/0098893); Shiigi (7,516,183) and Yen et al. (6,724,918)**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PREMAL PATEL** whose telephone number is (571)270-5892. The examiner can normally be reached on Monday to Friday, 6:30 to 4:00, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571)272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PREMAL PATEL/  
Examiner, Art Unit 2629

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Supervisory Patent Examiner, Art Unit 2629